

Town Board Minutes

**Meeting
No. 37**

Regular Meeting

December 4, 2006

Town Board Minutes

December 4, 2006

Meeting No. 37

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 4th day of December 2006 at 8:00 P.M. and there were

PRESENT: DANIEL AMATURA, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
GARY STOLDT, CHIEF OF POLICE
TERRENCE McCracken, GENERAL CREW CHIEF
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

EXECUTIVE SESSION:

UPON A MOTION DULY MADE BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER STEMPIAK AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing a Fire Department Contract.

At 10:00 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Marcia Myszka, from Lancaster Central High School Foreign Language Department, introduced Maria Margarita Perrens, a visiting teacher, who is a Fullbright Scholar from Argentina.

Chowanick, Lee, 93 Northwood Drive, spoke to the Town Board on the following matter:

- site plan of Aldi Food Store, 4737 William Street

Gull, Henry, 710 Pavement Road, spoke to the Town Board on the following matter:

- Tops Warehouse facility on Genesec Street

Lukowski, Donna, 129 Brunck Road, spoke to the Town Board on the following matter:

- flooding/drainage in backyards on Brunck Road

Fichter, Bill, 655 Harris Hill Road, spoke to the Town Board on the following matter:

- vacant house next to him at 647 Harris Hill Road

Bracci, Laurie, 10 Queensway, spoke to the Town Board on the following matter:

- hunting and discharge of firearms in areas near her house

Petit, Justin, 77 Michael Anthony Lane, spoke to the Town Board on the following matter:

- hunting and discharge of fire arms in areas near his house

Ostrom, Dave, 12 Transit Blvd., spoke to the Town Board on the following matter:

- audited financial report of the Town

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

RESOLVED, that the minutes of the Joint Meeting of the Town Board and the Planning Board held November 20, 2006 and the Regular Meeting of the Town Board held November 20, 2006 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 4, 2006

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED IT'S ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Twin District Volunteer Fire Company, Inc., by letter
dated November 16, 2006 has requested the addition of a member to the roster of said fire
association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the
addition to the membership of the Twin District Volunteer Fire Company the following
individual:

ADDITION:

Brent Sala
16 Hampton Court
Lancaster, New York

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 4, 2006

File: RFIRE (P4)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca, New York has applied to the Town Board of the Town of Lancaster for a permit for Public Improvement upon real property in the Town of Lancaster within Pleasant Meadows Subdivision III, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit application that he has reviewed the improvement plan and permit application for the installation of the public improvement requested, and that they conform to the Ordinances of the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Application No. 623 of Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca, New York, which is a permit for Public Improvement for the installation of:

P.I.P. No. 623
(Storm Sewer)
(rear yard)

Construction: The Woodlands at Pleasant Meadows Subdivision III, 68± L.F. 8" H.D.P.E., 593± L.F. 10" H.D.P.E., 4 ea. light duty rec., 4 ea. backyard rec., all the necessary devices according to the erosion control plan. i.e. silt fence, ff drop inlet prot., permanent seeding, etc.

be and is hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 4, 2006

File: RP/P (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL.
MEMBER RUFFINO, TO WIT:

WHEREAS, the large amount of debris resulting from the storm of October 12 and 13, 2006 has caused the Town to exceed its budget appropriation for payroll for Brush pickup in the General Fund Town Outside Villages, and

WHEREAS, the Town Highway Department employees have performed a great deal of the debris collection work causing their payroll expense to be charged to the General Fund - Town Outside Villages rather than the Highway Fund - Town Outside Villages, and

WHEREAS, this situation has caused a budgetary deficit in the General Fund - Town Outside Villages and a corresponding budgetary surplus in the Highway Fund - Town Outside Villages, and

WHEREAS, there is no mechanism for the direct transfer of funds from the Highway Fund - Town Outside Villages budget to the General Fund - Town Outside Villages budget, and

WHEREAS, the Town of Lancaster allocates a portion of its Sales Tax revenue to the Highway Fund - Town Outside Villages and none to the General Fund - Town Outside Villages, and

WHEREAS, the Town Board desires to re-allocate the Sales tax revenue in the 2006 budget to reflect the re-allocation of payroll expenses from the Highway Fund - Town Outside Villages to the General Fund - Town Outside Villages,

NOW, THEREFORE, BE IT

RESOLVED that the following budget amendments to the 2006 Adopted Budget of the Town of Lancaster be and are hereby approved to address the budgetary issues mentioned herein:

General Fund - Town Outside Villages	<u>Increase</u>
B510 Estimated Revenues	125,000
B1120 Sales Tax	125,000
B960 Budget Appropriations	125,000
B8160.0101 Refuse & Garbage - Wages	125,000

Highway Fund - Town Outside Villages	<u>Decrease</u>
DB510 Estimated Revenues	125,000
DB1120 Sales Tax	125,000
DB960 Budget Appropriations	125,000
DB5142.0101 Snow Removal - Wages	125,000

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 4, 2006

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPIAK;- TO WIT:

WHEREAS, as a result of the Town of Lancaster transferring ownership of all of its Sewer Districts to the County of Erie there exists a certain amount of surplus cash in the accounts of the Town which was raised for Sewer expenditures, and

WHEREAS, the Town Board wishes to utilize the surplus cash in the manner for which it was intended, and

WHEREAS, the Town currently has a capital project for a sewer remediation study and wishes to transfer the available cash to this project.

NOW, THEREFORE, BE IT

RESOLVED that the following budget amendments to the 2006 Adopted Budget of the Town of Lancaster be and are hereby approved:

Sewer District No. 1	<u>Increase</u>
SS51-599 Appropriated Fund Balance	10,341.70
SS51-960 Budget Appropriations	10,341.70
SS51-9950.902 Interfund Transfer Out to Capital Projects Fund	10,341.70
Sewer District No. 2	<u>Increase</u>
SS52-599 Appropriated Fund Balance	39,348.72
SS52-960 Budget Appropriations	39,348.72
SS52-9950.902 Interfund Transfer Out to Capital Projects Fund	39,348.72
Sewer District No. 4	<u>Increase</u>
SS53-599 Appropriated Fund Balance	17.18
SS53-960 Budget Appropriations	17.18
SS53-9950.902 Interfund Transfer Out to Capital Projects Fund	17.18
Sewer District No. 2, Extension 1	<u>Increase</u>
SS54-599 Appropriated Fund Balance	3,560.47
SS54-960 Budget Appropriations	3,560.47
SS54-9950.902 Interfund Transfer Out to Capital Projects Fund	3,560.47
Sewer District No. 2, Extension 2	<u>Increase</u>
SS55-599 Appropriated Fund Balance	7,023.00
SS55-960 Budget Appropriations	7,023.00
SS55-9950.902 Interfund Transfer Out to Capital Projects Fund	7,023.00
Sewer District 2, Extension No. 3	<u>Increase</u>
SS56-599 Appropriated Fund Balance	791.00
SS56-960 Budget Appropriations	791.00
SS56-9950.902 Interfund Transfer Out to Capital Projects Fund	791.00
Sewer District No. 2, Extension 4	<u>Increase</u>
SS57-599 Appropriated Fund Balance	2,275.95
SS57-960 Budget Appropriations	2,275.95
SS57-9950.902 Interfund Transfer Out to Capital Projects Fund	2,275.95
Sewer District No. 2, Lateral 1	<u>Increase</u>
SS58-599 Appropriated Fund Balance	1,880.14
SS58-960 Budget Appropriations	1,880.14
SS58-9950.902 Interfund Transfer Out to Capital Projects Fund	1,880.14

Sewer District No. 2, Lateral 2	<u>Increase</u>
SS59-599 Appropriated Fund Balance	987.00
SS59-960 Budget Appropriations	987.00
SS59-9950.902 Interfund Transfer Out to Capital Projects Fund	987.00
Sewer District 2, Meadow Lea Lateral	<u>Increase</u>
SS60-599 Appropriated Fund Balance	3,954.00
SS60-960 Budget Appropriations	3,954.00
SS60-9950.902 Interfund Transfer Out to Capital Projects Fund	3,954.00
Sewer District No. 2, Lancaster Heights Lateral	<u>Increase</u>
SS61-599 Appropriated Fund Balance	3,262.00
SS61-960 Budget Appropriations	3,262.00
SS61-9950.902 Interfund Transfer Out to Capital Projects Fund	3,262.00
Sewer District No. 2, Markey Ave. Lateral	<u>Increase</u>
SS62-599 Appropriated Fund Balance	1,682.00
SS62-960 Budget Appropriations	1,682.00
SS62-9950.902 Interfund Transfer Out to Capital Projects Fund	1,682.00
Sewer District No. 2, S. Broezel Lateral	<u>Increase</u>
SS63-599 Appropriated Fund Balance	495.94
SS63-960 Budget Appropriations	495.94
SS63-9950.902 Interfund Transfer Out to Capital Projects Fund	495.94
Sewer District No. 2, Ronald/Charlton Lateral	<u>Increase</u>
SS64-599 Appropriated Fund Balance	3,560.92
SS64-960 Budget Appropriations	3,560.92
SS64-9950.902 Interfund Transfer Out to Capital Projects Fund	3,560.92
Sewer District No. 2, Botimer Ave. Lateral	<u>Increase</u>
SS65-599 Appropriated Fund Balance	791.62
SS65-960 Budget Appropriations	791.62
SS65-9950.902 Interfund Transfer Out to Capital Projects Fund	791.62
Sewer District No. 6	<u>Increase</u>
SS66-599 Appropriated Fund Balance	3,007.14
SS66-960 Budget Appropriations	3,007.14
SS66-9950.902 Interfund Transfer Out to Capital Projects Fund	3,007.14
Sewer District No. 7	<u>Increase</u>
SS67-599 Appropriated Fund Balance	389.36
SS67-960 Budget Appropriations	389.36
SS67-9950.902 Interfund Transfer Out to Capital Projects Fund	389.36
Sewer District No. 8	<u>Increase</u>
SS68-599 Appropriated Fund Balance	202.33
SS68-960 Budget Appropriations	202.33
SS68-9950.902 Interfund Transfer Out to Capital Projects Fund	202.33

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 4, 2006

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER RUFFINO, TO WIT:

WHEREAS, Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca, New York, has applied to the Town Board of the Town of Lancaster for a permit to construct a Public Improvement upon real property in the Town of Lancaster within Pleasant Meadows Subdivision I, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit application that he has reviewed the improvement plan and permit application for the installation of the public improvement requested, and that it conforms to the Ordinances of the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Application No.624 of Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca, New York, for the installation of:

P.I.P. No. 624
(Street Lights)

Woodlands at Pleasant Meadows Subdivision I
installation of street lights along Chicory Lane, Sweet
Briar Court, Red Clover Lane

be and is hereby approved and the installation of the improvement requested be and is hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 4, 2006

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

**ORDER CALLING PUBLIC
HEARING TO BE HELD ON
DECEMBER 18, 2006**

WHEREAS, the Town Board of the Town of Lancaster (herein called "Town Board" and "Town", respectively), in the County of Erie, New York, has, pursuant to Town Law, created the Town of Lancaster Consolidated Water District (the "District"), and has directed Wm. Schutt & Associates, P.C., a professional engineering firm licensed in New York, to prepare a map, plan and report for the District water system improvements, including, the construction of approximately 9,380 linear feet of 12 inch Town owned watermain along Impala Parkway, Steinfeldt Road, Erie Street and Walter Winter Way, and the replacement of approximately 34,210 linear feet of deteriorated watermain with 8 inch Town owned watermain along Broadway, Bowen Road, Lake Avenue, Ransom Road, Townline Road, Waltham Avenue and William Street, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto, (the "District Improvement"); and pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such map, plan and report for said increase and improvement of facilities of the District and has estimated the total cost thereof to be a maximum amount of \$7,000,000; said cost to be financed by the issuance of serial bonds of the Town in the amount of \$7,000,000, offset by any federal, state, county and/or local grants received.

NOW, THEREFORE, BE IT

ORDERED that a meeting of the Town Board of the Town of Lancaster will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on December 18, 2006 at 8:35 p.m. o'clock (prevailing Time) to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in each newspaper designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 4, 2006

**LEGAL NOTICE
ORDER CALLING PUBLIC
HEARING TO BE HELD ON
DECEMBER 18, 2006**

WHEREAS, the Town Board of the Town of Lancaster (herein called "Town Board" and "Town", respectively), in the County of Erie, New York, has, pursuant to Town Law, created the Town of Lancaster Consolidated Water District (the "District"), and has directed Wm. Schutt & Associates, P.C., a professional engineering firm licensed in New York, to prepare a map, plan and report for the District water system improvements, including, the construction of approximately 9,380 linear feet of 12 inch Town owned watermain along Impala Parkway, Steinfeldt Road, Eric Street and Walter Winter Way, and the replacement of approximately 34,210 linear feet of deteriorated watermain with 8 inch Town owned watermain along Broadway, Bowen Road, Lake Avenue, Ransom Road, Townline Road, Waltham Avenue and William Street, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto, (the "District Improvement"); and pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such map, plan and report for said increase and improvement of facilities of the District and has estimated the total cost thereof to be a maximum amount of \$7,000,000; said cost to be financed by the issuance of serial bonds of the Town in the amount of \$7,000,000, offset by any federal, state, county and/or local grants received.

NOW, THEREFORE, BE IT

ORDERED that a meeting of the Town Board of the Town of Lancaster will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on December 18, 2006 at 8:35 p.m. o'clock (prevailing Time) to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in each newspaper designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

PREFILED RESOLUTION NO. 8 - MEETING OF 12/04/06

Montour/ _____ Approve Site Plan Aldi Food Store Site Plan: Aldi Food Store

At the request of Council Member Montour, this resolution was withdrawn for further study.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER AMATURA, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the
Director of Administration and Finance, to wit:

Claim No. 5561 to Claim No. 5773 Inclusive

Total amount hereby authorized to be paid: \$2,110,780.89

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 4, 2006

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.
(CSW) = Conditional sidewalk waiver.
(V/L) = Village of Lancaster

NEW PERMITS:

14287	Lancaster Airport	4343 Walden Ave	Er. Hanger	
14292	Car Star	6705 Transit Rd	Inst. Door	
14301	Garrett, Dino	33 Hampton Ct	Er. Res. Add.	
14302	Ryan Homes	5 St Anthony St	Er. Dwlg.-Sin.	
14303 SW	Bohicchio, Sal	668 Townline Rd	Er. Dwlg.-Sin.	
14304	American Eagle	5 Impala Pky	Er. Fireplace	
14305	Wendel & Loecher Inc	43 Aurora St	Dem. Dwlg.	(V/L)
14306	Alliance Homes	107 Stony Rd	Er. Res. Add.	
14307	Putnam, Keith	486 Pleasant View Dr	Er. Shed	
14308	Bucholz, Charolette	83 Caswell St	Er. Fence	(V/L)
14309	Randaccio Builders	20 Primrose Ln	Er. Dwlg.-Sin.	
14310	Pickett Fence	10 Brady Ave	Er. Fence	(V/L)
14311	Brown, Adam	161 Aurora St	Er. Deck	(V/L)
14312	Frank's Grille	5820 Broadway	Er. Fence	
14313	Colby, Charles	1 Heathrow Ct	Er. Deck	
14314	Capital Fence Inc	35 Sagebrush Ln	Er. Fence	
14315	John Deere	5071 Transit Rd	Er. Sign-Temp	
14316	Adirondack Siding	71S Irwinwood Rd	Er. Res. Alt.	(V/L)
14317	Quality Quick Signs	4711 Transit Rd	Er. Sign-Wall	
14318	Quality Aluminum II	28 Ashwood Ct	Er. Res. Add.	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 4, 2006

File: Rbldg2

SUSPENDED RESOLUTION:

Supervisor Giza requested a suspension of the necessary rules for immediate consideration of the following resolution:

UPON A MOTION DULY MADE BY COUNCIL MEMBER RUFFINO,
SECONDED BY COUNCIL MEMBER STEMPIAK AND CARRIED, the suspension was granted.

SUSPENSION GRANTED

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER AMATURA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, Chapter 30, "PERMIT AND APPLICATION FEES" of the Code of the Town of Lancaster provides for the schedule of fees which accompany Public Improvement Permits, and

WHEREAS, the Town Board has reviewed the fee schedule and has determined it to be in the public interest to delete §30-20., Public improvement permits., in its entirety and replace it with a new §30-20., Public improvement permits and private improvement permits., which shall read as follows:

§30-20. Public improvement permits and private improvement permits.

(A) Definitions.

The following terms, when used in this ordinance, shall have the meanings herein stated:

(1) **PUBLIC IMPROVEMENT** - The construction of pavement and curbs, waterlines, storm sewers, drainage detention areas and streetlights which improvements are dedicated to the Town shall be considered public improvements.

(2) **PRIVATE IMPROVEMENT** - The construction of pavement and curbs, waterlines, storm sewers, drainage detention areas and streetlights which improvements are not dedicated to the Town but remain in private ownership shall be considered private improvements.

(B) Public improvements permits fees.

(1) The permit fee, due upon application, shall be Thirty Dollars (\$30).

(2) Inspection fees for public improvement permits shall be in a sum equal to ten percent (10%) of the estimated cost of construction.

(C) **Private improvement permit fees.**

- (1) The permit fee, due upon application, shall be Thirty Dollars (\$30).
- (2) Inspection fees for private improvement permits shall be in a sum equal to ten percent (10%) of the estimated cost of construction.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 130 of the Town Law of the State of New York, a Public Hearing on the proposed amendment to Chapter 30 - "PERMIT AND APPLICATION FEES", Section 30-20 of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York 14086, on the 18th day of December, 2006, at 8:40 o'clock P.M., Local Time, and that Notice of the time and place of such hearing be published on or before the 7th day of December, 2006, in the Lancaster Bee, the official newspaper, being a newspaper of general circulation in said Town and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 4, 2006

File: rpublicimprovementpermits1206

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 4th day of December, 2006, the said Town Board will hold a Public Hearing on the 18th day of December, 2006 at 8:40 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York 14086, to hear all interested persons upon the proposed amendment to the "Permit and Application Fees" Ordinance, designated as Chapter 30, Section 30-20. of the Code of the Town of Lancaster, as follows:

§30-20.

Public improvement permits and private improvement permits.

(A) Definitions.

The following terms, when used in this ordinance, shall have the meanings herein stated:

(1) **PUBLIC IMPROVEMENT** - The construction of pavement and curbs, waterlines, storm sewers, drainage detention areas and streetlights which improvements are dedicated to the Town shall be considered public improvements.

(2) **PRIVATE IMPROVEMENT** - The construction of pavement and curbs, waterlines, storm sewers, drainage detention areas and streetlights which improvements are not dedicated to the Town but remain in private ownership shall be considered private improvements.

(B) Public improvements permits fees.

- (1) The permit fee, due upon application, shall be Thirty Dollars (\$30).
- (2) Inspection fees for public improvement permits shall be in a sum equal to ten percent (10%) of the estimated cost of construction.

(C) Private improvement permit fees.

- (1) The permit fee, due upon application, shall be Thirty Dollars (\$30).
- (2) Inspection fees for private improvement permits shall be in a sum equal to ten percent (10%) of the estimated cost of construction.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN
TOWN CLERK**

December 4, 2006


COMMUNICATIONS & REPORTS:

583. Erie County Department of Environment & Planning to Genesee Engineering Planning & Surveying, P.C. -
Transmittal of approved sanitary sewer construction plans and release form regarding Dunkin' Donuts, 4891 Transit Road. DISPOSITION = Received & Filed
584. NYS DEC to Town Attorney -
Acknowledgment of receipt of letter dated October 3, 2006 requesting information regarding determination of habitat of Henslow's sparrows in proposed Deer Run Estates Subdivision. DISPOSITION = Received & Filed
585. Broadway Allstars to Town Clerk -
Notice of application for renewal of liquor license. DISPOSITION = Town Attorney
586. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Deputy Town Attorney, Highway Superintendent, Building Inspector -
Draft copy of minutes of meeting held November 15, 2006. DISPOSITION = Received & Filed
587. Planning Board to Town Board -
Recommend approval of site plan for Roseland Subdivision Phase 2, conditions noted. DISPOSITION = Planning Committee
588. Planning Board to Town Board -
Notice of tabling to December 6, 2006 meeting of preliminary plat plan review of proposed Wainwright Court Subdivision; conditions noted. DISPOSITION = Planning Committee
589. Town of Alden to Town Board -
Legal notice for proposed Local Law No. 3 of the Year 2006 entitled "Local Law Providing for Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code of the Town of Alden". DISPOSITION = Received & Filed
590. Supervisor to USDA Natural Resources Conservation Service -
Request assistance for stream restoration for damage resulting from October storm. DISPOSITION = Received & Filed
591. Stanley Jay Keysa to Town Board -
Request for reappointment to Planning Board. DISPOSITION = For Reorganizational Meeting
592. Village of Lancaster to Town Board -
Minutes of official meeting held November 13, 2006. DISPOSITION = Received & Filed
593. NYS Assemblyman Robin Schimminger to Supervisor -
Letter and petition regarding proposal to designate Huntley Generating Station as an Advanced Clean Coal Power Plant. DISPOSITION = Received & Filed
594. Time Warner Cable to Supervisor -
Notice of possible cessation of carriage of WUTV and WNYO on local cable. DISPOSITION = Received & Filed
595. Chief of Police to Town Board -
Request to canvass current Erie County Civil Service list for position of Police Officer. DISPOSITION = Received & Filed
596. NYS DEC to Supervisor -
Notice of enforcement action against Homes by Natale, Inc., for alleged pollution violation. DISPOSITION = Town Engineer
597. Planning Board to Town Board -
Notice of tabling to December 6, 2006 meeting of site plan review for Roseland Subdivision Phase 2; conditions noted. (Corrected notice) DISPOSITION = Received & Filed

598. Twin District Fire Company to Town Clerk -
Request for change in roster. DISPOSITION = Resolution 12/4/06
599. General Crew Chief to Planning Board, Town Board Members Montour, Ruffino, & Stempniak -
Notice of acceptance by Town Forestry Department of site plan for D K Greene Properties, G&K Sewer Phase 2, Eric Street & Cemetery Road, conditions noted; requested change of landscape plan for Wehrle Corporate Center, Wehrle Drive, west of Harris Hill Road.
DISPOSITION = Planning Committee
600. Government Action Professionals, Inc to Supervisor -
Letter regarding the semi-annual report filing with the State Lobbying Commission.
DISPOSITION = Received & Filed
601. Town of Hamburg to Supervisor -
Transmittal of resolution affirming the continued support and existence of Local Town Industrial Development Agencies. DISPOSITION = Received & Filed

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER STEMPNIAK AND CARRIED, the meeting was adjourned at 10:00 P.M.

Signed 
Johanna M. Coleman, Town Clerk